

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-20 are pending in this application. Claims 1, 10, and 18 are independent. The remaining claims depend, directly or indirectly, from claims 1, 10, and 18.

Specification Amendments

By way of this reply, text on paragraph [0035] has been amended to insert reference characters in the description in compliance with 37 C.F.R. 1.84(p)(5). Specifically, the text in paragraph [0035] has been amended to identify Step 404 in Figure 4. No new matter has been added by way of these amendments.

Drawing Objections

As discussed above, the specification has been amended to include the omitted reference characters noted by the Examiner on page 2 of the Office Action mailed on December 19, 2006. Accordingly, the Examiner's objection is now moot and withdrawal of the objection is respectfully requested.

Specification Objections

As discussed above, the specification has been amended to include referenced character 404. Accordingly, the Examiner's objection is now moot and withdrawal of the objection is respectfully requested.

Declaration under 37 C.F.R. § 1.131

The purpose of a 37 CFR § 1.131 declaration is to overcome a prior art rejection by proving invention of the claimed subject matter by the applicant prior to the effective date of the reference relied upon in the rejection. See MPEP 715.01.

A declaration under 37 C.F.R. § 1.131 may be established using one of three alternatives shown outlined in MPEP § 715.07, III:

37 C.F.R. 1.131(b) provides three ways in which an applicant can establish prior invention of the claimed subject matter. The showing of facts must be sufficient to show:

(A) >(actual)< reduction to practice of the invention prior to the effective date of the reference; or

(B) conception of the invention prior to the effective date of the reference coupled with due diligence from prior to the reference date to a subsequent (actual) reduction to practice; or

(C) conception of the invention prior to the effective date of the reference coupled with due diligence from prior to the reference date to the filing date of the application (constructive reduction to practice). (emphasis added)

In the instant case, Applicant is basing the declaration on the first alternative. Accordingly, the Applicant must only show actual reduction to practice prior to the effective date of the reference, *i.e.*, June 27, 2003. Further, as Applicant is basing the declaration on the first alternative, a showing of diligence, including engineering-

diligence and attorney-diligence, is not required. See MPEP § 715.07, III.

Rejection(s) under 35 U.S.C § 102

Claims 1-4, 9, 13-14, and 17-18 are rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent Application Number 2004/0267691 A1 (“Vasudeva”). For the following reasons, this rejection is respectfully traversed.

Vasudeva is not valid prior art to this application as evidenced by the attached revised declaration under 37 C.F.R. § 1.131. As stated in the declaration, the present invention was reduced to practice prior to the effective date of Vasudeva (*i.e.*, prior to June 27, 2003). In view of the above, Vasudeva may not be used to support the aforementioned 35 U.S.C. § 102 rejection. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C § 103

Claims 5-8, 10-12, 15-16, and 19-20 are rejected under 35 U.S.C. § 103 as being unpatentable over Vasudeva in view of U.S. Patent 6,362,779 B1 (“Meek”). For the following reasons, this rejection is respectfully traversed.


Vasudeva is not valid prior art to this application as evidenced by the attached revised declaration under 37 C.F.R. § 1.131. As stated in the declaration, the present invention was reduced to practice prior to the effective date of Vasudeva (*i.e.*, prior to June 27, 2003). In view of the above, Vasudeva may not be used to support the aforementioned 35 U.S.C. § 103 rejection. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226/338001; SUN040165).

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Respectfully submitted,

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Attachment: Inventor Declaration Under 37 C.F.R. §1.131 (111 pages)
Clean Copy of Paragraph [0035] (1 page)